

1 AN ACT concerning food donations.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Good Samaritan Food Donor Act is amended
5 by adding Section 2.15 and changing Section 3 as follows:

6 (745 ILCS 50/2.15 new)

7 Sec. 2.15. Food with damaged packaging. "Food with
8 damaged packaging" includes any item of food that is
9 wholesome, unspoiled, and fit for human consumption that is
10 in a container or other packaging that has been damaged, so
11 as to make the item unfit for retail sale. "Food with
12 damaged packaging" does not include canned goods in rusted,
13 leaky, or swollen containers.

14 (745 ILCS 50/3) (from Ch. 56 1/2, par. 2003)

15 Sec. 3. Donor's immunity from liability.

16 (a) Except as provided in subsection (b), no wild game
17 donor, farmer, food producer, processor, distributor,
18 wholesaler, retailer, gleaner of food, any other person (if
19 that other person donates food that has been inspected by
20 either a State or federal authority and has not been altered
21 after that inspection), a not for profit corporation or
22 charitable organization whose members provide baked goods
23 that are not potentially hazardous, ~~er~~ donor of day old
24 bread, or a donor of food with damaged packaging who in good
25 faith donates perishable canned or farm food items, prepared
26 food, day old bread, food with damaged packaging, or wild
27 game to a not for profit corporation or charitable
28 organization for distribution to nursing homes, needy, or
29 poor persons shall be liable in any civil action based on the
30 theory of warranty, negligence or strict liability in tort,

1 for damages incurred resulting from any illness or disease
2 contracted by the ultimate users or recipients of the food
3 due to the nature, age, condition, or packaging of the food.

4 (a-5) The immunity provided under subsection (a) shall
5 apply to any person or organization that prepares and serves,
6 for specific events, wild game that has not specifically been
7 raised, harvested, dressed, or inspected for human
8 consumption in accordance with existing rules and regulations
9 of the U.S. or State Departments of Agriculture or any other
10 state or federal agencies empowered to enforce health and
11 safety requirements. Placards shall be displayed in a
12 conspicuous location throughout the event identifying the
13 food served as uninspected wild game.

14 (b) The immunity provided in subsection (a) shall not
15 apply where the following is shown:

16 (1) that the illness or disease resulted from the
17 willful, wanton, or reckless acts of the donor; or

18 (2) that the donor had actual or constructive
19 knowledge that the food was tainted, contaminated, or
20 harmful to the health or well-being of the recipient of
21 such donated food; or

22 (3) where the food was in the form of canned goods,
23 that the containers were rusted, leaky, swollen, or
24 otherwise defective to the extent that they could not be
25 sold to members of the general public; provided, however,
26 that the fact that the cans were simply dented does not,
27 in itself, constitute such a defect so as to preclude the
28 grant of immunity provided by subsection (a).

29 (Source: P.A. 91-720, eff. 1-1-01.)